



Haryana Government Gazette

Published by Authority

© Govt. of Haryana

No. 38-2021] CHANDIGARH, TUESDAY, SEPTEMBER 21, 2021 (BHADRA 30, 1943 SAKA)

PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA WAQF BOARD
50, SARDAR PATEL MARG, AMBALA CANTT.

Notification

The 15th September, 2021

No. Waqf-42/(8)/2021/955.— I, Zakir Hussain, Ex-MLA, Administrator, Haryana Waqf Board, Ambala Cantt. in exercise of the powers conferred under Section 27 of the Waqf Act, 1995, hereby delegate the following powers to Shri Mohammad Shayin, IAS, Managing Director, HPGCL & Director General, Mines & Geology Department, Haryana and Chief Executive Officer, Haryana Waqf Board and Estate Officers & Rent Collectors in the District Waqf Offices/field offices with immediate effect :-

Powers delegated to the Chief Executive Officer

- (i) To sue and defend cases on behalf of the Board in Civil, Criminal and Revenue Courts and before any authority by engaging advocates for the same and to take proper legal steps concerning waqf properties.
- (ii) To institute and defend petitions, appeals, revisions, review and execute application in all Courts or before any authority.
- (iii) To convey the formal consent of the Board to any person or authority to institute a suit and to obtain any of the relief referred to in Section 83 of the Waqf Act, 1995.
- (iv) To deposit and withdraw the amounts required to be deposited or withdrawn according to law in respect of suits or proceedings instituted or defended by the Board.
- (v) To take necessary steps for the proper recording of waqf properties by the authorities appointed by the Government for settlement and consolidation of holdings.
- (vi) To carry out the day to day administration of the office of the Haryana Waqf Board and to exercise the following powers :-
 - (a) Approve tour programmes and sanction TA claims of all employees of the Board.
 - (b) Sanction/grant leave of all kinds to all employees of the Board and sanction leave salary.
 - (c) Fix and release salaries of all the employees in the sanctioned Pay Scale.
 - (d) Sanction annual increments to the employees of the Board, except Class-I employees.
 - (e) Sanction upto Rs. 25,000/- for Petrol/Diesel, servicing maintenance/ minor repair, insurance and registration of vehicle subject to availability of funds in the budget.

- (f) Sanction up to Rs. 25,000/- for Postage, furniture, fixture, books news papers, printing & stationery subject to availability of funds in the budget.
- (g) Sanction of Rs. 50,000/- for maintenance of waqf properties under Board's management including mosques viz construction, white washing, repair and renovation subject to availability of funds in the budget.
- (h) Sanction upto Rs. 20,000/- for non recurring contingent expenses including expenses incurred on hospitality, labour charges etc.
- (i) Sanction payment of Government dues, 7% contribution of the Haryana Waqf Board, printing charges of notification in Government Gazette, electricity value, telephones bills, house rents of the rental buildings of Branch Offices, and release retiral benefits to the employees on attaining the age of superannuation without limit.
- (j) Sanction/approval regarding realization of lease rent under Rule-12(3) of the Waqf Properties Lease Rules, 2014 as amended as "use & occupancy charges" from the lessee(s)/occupant(s) because of non-renewal of the leases after expiration or termination of lease on case to case basis.
- (k) Sanction refunds (except lease money) up to Rs. 10,000/- in each case.
- (l) Sanction up to Rs. 25,000/- for Urs, Muslims festivals and official functions subject to availability of funds in the budget.
- (m) Withdrawal of employees share from Provident Fund & loan against PF.
- (n) Sanction of up to Rs. 25,000/- in printing and advertisement.
- (o) Sanction of up to Rs. 25,000/- towards audit expenses, Professional charges, AMC and insurance of Cash-in-Safe/ Cash-in-transit.
- (vii) Sanction prescribed Court fees and Counsels fees as approved by the Board.
- (viii) To sanction legal expenditure/advance upto Rs. 5,000/- in each case.
- (ix) To get the accounts of the Board as well as of those Auqaf which are under the direct managements of the Board audited at the end of every financial year as laid down in the Waqf Act, 1995 and submit the audit report to the Administrator.
- (x) To operate the accounts in respect of the waqf & auqaf funds of the Board and Mewat Engg. College accounts.
- (xi) To order auction or sanction sales where the original purchase value of movable property of articles does not exceed Rs. 20,000/-.
- (xii) To receive all the amounts of compensation awarded by any authority in respect of any acquired waqf property.
- (xiii) To maintain ACRs upto the rank of Rent Collectors & Peons and to submit to the Administrator at the end of the financial year.

Powers delegated to the Estate Officers

- (1) (a) To institute suits for possession and injunctions of any kind as well as suits for permanent injunction in emergent cases, where it is not feasible to obtain the resolution/authorization from the Board/Chairman in time, to engage counsel, to sign Plaint, Written Statements, other relevant documents concerned with the case, and verify pleading of such cases, Applications Under Order 39 Rules 1 and 2 CPC, and to swear and verify affidavits. But if there is some necessity to obtain the permission, they will endeavor to obtain the permission and this clause of power must be exercised in emergent circumstances only. But the Estate Officer after filing such suits shall intimate about the action taken by him to the Chief Executive Officer of the Board without any delay who will place the same before the Board/Chairman for passing a resolution/authorization regarding ratification. The Estate Officer shall not compromise or withdraw the proceedings without prior approval of the Administrator.
- (b) To file and defend any appeal, revision, review or any application regarding the decision of the Court before the competent Court of Law/authority and without any delay shall intimate the same to the CEO for producing before the Administrator for passing resolution/authorization regarding ratification. But the E.O. shall not compromise or withdraw the proceedings without the prior approval of the Administrator.
- (c) To file the petition for ejectment against the encroachers defined U/s 3(i)(ee) under the Haryana Public Premises and land (Eviction and Rent Recovery) Act, 1972 as amended upto date before the competent court of law in emergent cases. If there is some necessity, they will endeavor to obtain the permission and this clause of power must be exercised in emergent circumstances only. But the Estate Officer after

filing such suits shall intimate about the action taken by him to the Chief Executive Officer of the Board without any delay who will place the same before the Administrator for passing a resolution/authorization regarding ratification. The Estate Officer shall not compromise or withdraw the proceedings without prior approval of the Administrator.

- (2) To sign and verify the pleadings, to sign and move the execution applications, restoration application, *ex-parte* setting aside applications, the same having been approved by the Administrator, Haryana Waqf Board and to engage counsel and to execute *vakalatnama* in favour of Counsel of the Board.
- (3) To institute and sign the applications before any authority, Court or Gram Panchayat regarding revenue cases, engage Counsel and execute *vakalatnama* for that purpose.
- (4) To lodge F.I.R. with the police in which criminal action is required to be taken or in case of apprehension of trespass on Waqf property/land, and report to Chief Executive Officer of Board immediately after taking for ratification.
- (5) To appear in appeals/revisions Land Acquisition proceedings and other miscellaneous proceedings pending before any court and authority on behalf of or against the Board and to give a statement on oath or otherwise being instructed by the Head Office in that behalf and to do all act, necessary for prosecution/defend of the said proceedings.
- (6) To attest copies from the original record in the manner provided in Section 76 of the Indian Evidence Act, 1872 (1 of 1872) for filing the same in the court relating to any suit, application, appeal, revision, execution, writ or any other executive or judicial proceedings. The power shall be exercised by the Estate Officer only for the purpose of filing in the case in which Board is a party and for the benefit of the Board, but they will not issue any copy to any person otherwise.
- (7) To take possession or effect recovery in execution proceedings.
- (8) To receive A/c payee voucher from Court or any other authority on behalf of the Board with prior permission of the Head Office. But such powers will not include the power to compromise any proceedings or withdraw any case without obtaining the permission from the Head Office and clearly stating the reason/grounds of compromise therein.
- (9) To correspond with District Administration under intimation to Head Office.

Powers delegated to the Rent Collectors

- (1) To institute any Suit for Permanent Injunction in the emergent cases in the absence of EO applications and suit before any Gram Panchayat, relating to revenue cases in the absence of Estate Officer and if necessary to engage counsel.
- (2) In case particular official who has instituted a case is transferred to some other place, then his successor in office shall have the same powers over the case.
- (3) To make statements and pursue the case on behalf of the Board but they will not be allowed to withdraw or compromise any case without the prior permission of the Board/Administrator.
- (4) To obtain possession in execution proceedings in the absence of Estate Officer.
- (5) To institute criminal complaints in the Court of Law relating to offences under the Indian Penal Code or the Cr. P.C., as the case may be committed against the Board or in respect of properties or its offices or other interests of the Board in the absence of the Estate Officer concerned and to engage counsels, but will not be allowed to withdraw any such case without prior permission of the Administrator.
- (6) To lodge F.I.R. with the police in case of theft or damage of waqf properties or trespass on waqf property or defiling of religious or worship places or any offence committed in relation to waqf properties or officials of the Board and the Rent Collector concerned shall intimate his action to Estate Officer and Chief Executive Officer without any delay.

[169-1]

ZAKIR HUSSAIN,
Administrator,
Haryana Waqf Board.